



November 19, 2019

*Via Electronic Filing*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: Expanding Flexible Use of the 3.7-4.2 GHz Band, GN Docket No. 18-122, *Ex Parte* Notice

Dear Ms. Dortch:

Pursuant to Section 1.1200, et seq., of the Commission's Rules, National Public Radio, Inc. ("NPR") hereby notifies the Commission of the following *ex parte* presentation. On November 15, 2019, Michael Beach, Vice President for Distribution, and Joni Lupovitz, Senior Director for Public Policy, accompanied by Phil Anderson of Navigators Global, met with Nicholas Degani, Senior Counsel and Aaron Goldberger, Wireless & International Advisor to Chairman Pai regarding the above-referenced matter. NPR requested the meeting in its capacity as manager of the Public Radio Satellite System ("PRSS") and on behalf of public radio.

NPR appreciates the Commission's commitment to protecting existing services that rely on C-band satellite delivery and the consideration afforded for the public radio system. During the meeting, the parties discussed the importance of ensuring continuity of public radio service and avoiding disruption to PRSS, to enable local public radio stations to provide uninterrupted and reliable delivery of critical local and national news, educational and cultural programming, emergency alerting and public safety information to Americans in all corners of the United States.

NPR explained that the PRSS is primarily dependent on C-band spectrum to distribute programming by and among a variety of public radio producers and 1,265 local public radio stations, collectively broadcasting to 41 million American listeners weekly. C-band satellite service is essential because of its availability across the country, including Alaska, tribal lands, and other rural and extremely remote areas; its reliability for *live* radio programming;<sup>1</sup> and its affordability for reaching hundreds of local communities across the continent and beyond.

However the Commission moves forward in this proceeding, NPR stated that the following measures will be integral to successfully achieving the shared goal of repurposing mid-band spectrum for new 5G and commercial wireless services, while protecting incumbent users' ability to continue providing vital, trusted and beloved broadcast service to the American people:

- **Preserving sufficient C-band spectrum for *exclusive* Fixed Satellite Service ("FSS") use** is essential to the uninterrupted availability of public radio service to the American people today and for the foreseeable future. There is no substitute for C-band satellite service to deliver news, programming and public safety information to local public radio stations and their listeners across the country, including during emergencies. Any attempt to permit shared use of FSS spectrum with new fixed point-to-multipoint or other terrestrial services would be misguided, as it would cause needless risk of harmful interference and hamper incumbent FSS users' operations in the remaining reduced FSS portion of the C-band spectrum.

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<sup>1</sup> Approximately 80% of public radio broadcast programming is live programming.

- **Ensuring adequate incentives for satellite operators to maintain satellite service and sufficient capacity**, which likely requires launching additional satellites to compensate for the loss of C-band spectrum. FSS providers must be able to continue offering service and maintaining satellite capacity as a financially sustainable business without increasing their rates or otherwise materially altering current customer business arrangements. Public radio needs a viable C-band satellite ecosystem to continue operating in the remaining, reduced C-band spectrum reserved for FSS. Put simply, if FSS providers are at risk, public radio is at risk.
- **Fully compensating C-Band satellite customers and earth station operators for all costs incurred as a result of the spectrum reallocation**, including:
  - **Transition costs** for equipment and services needed to retune/repoint downlink antennas, “dual illumination” for a transition period (to permit migration to new frequencies without interruption in service), and filters and other measures to mitigate interference. Costs associated with equipment upgrades necessary to maximize use of spectrum should also be covered.<sup>2</sup> Because companies are beginning to incur costs in anticipation of and to help expedite the C-band reallocation, costs incurred as early as January 1, 2020, should be reimbursed.
  - **Increased operating costs** going forward for comparable service.<sup>3</sup> Although there has been much discussion about “transition” costs in this proceeding, the record has been devoid of discussion of ongoing costs of satellite service (and/or other communications service) after the transition. Even if all transition costs to migrate to new frequencies are covered or reimbursed, it would unduly strain public radio’s finances and public service mission if FSS providers use the rebanding as a reason to renegotiate service agreements and/or raise prices.
- **Ensuring express, enforceable customer commitments**, so FSS providers maintain agreed-upon service, capacity, and pricing through the transition period and beyond. Satellite operators must honor customer contracts and commitments regarding service, price, and related terms, and should not be permitted to use FCC regulatory action as an excuse to unilaterally terminate or curtail service or increase prices. In this connection, ongoing and extensive FCC oversight and enforcement will be required through the spectrum transition and thereafter.
- **Allowing robust operations in the remaining FSS portion of the C-band**, so public radio and other incumbents can serve their audiences. This includes: providing full-band, full-arc satellite licensing to allow program continuity in case of system disruption; permitting registration of new earth stations to allow capacity for business flexibility and growth; and ensuring technical safeguards to protect earth stations from harmful interference from new terrestrial uses.

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<sup>2</sup> For example, to increase spectrum efficiency in anticipation of C-band repacking, NPR is considering the purchase of new Head End Equipment required for Space Segment Efficiency, Station Equipment (receivers) required to utilize efficiencies realized by adoption of new Head End Equipment, and IP Codecs to enable efficiencies at the Head End, which roughly estimated could total nearly \$1 million.

<sup>3</sup> See Letter from Gregory A. Lewis, Deputy General Counsel, NPR, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (filed Aug. 28, 2019) (citing multiple precedents over three decades in which the Commission required reimbursement of relocated spectrum incumbents for increased operating costs).

The foregoing measures are critical to ensuring ongoing satellite service to the PRSS and other public radio users without interruption, interference, or additional cost to the public radio system. NPR encouraged the Commission to provide ample opportunity for public comment to enable public radio and other stakeholders to provide additional details and respond to specific proposals as the spectrum transition progresses.

In follow up to our meeting, and as noted by other current users of C-band frequencies, successful implementation of a workable plan to reallocate this important spectrum is dependent on satellite operators. NPR encourages the Commission to include C-band satellite operators as active transition participants. Much of the understanding of the activity that can and should occur to ensure a successful outcome in this proceeding is the result of the C-Band Alliance members' extensive conversations and planning sessions with their respective customers. Such cooperative work should continue in order to meet and protect the needs of incumbent C-band users through the C-band repack.

Finally, it is important to state for the record NPR's appreciation to the Chairman, Commissioners, and their advisors, as well as staff in the Wireless Telecommunications Bureau, International Bureau, Office of Engineering and Technology, and Office of Economic Analysis, for their repeated willingness to engage in meetings and conversation to ensure a better understanding of public radio's use of C-band frequencies, as well as the financial and public service priorities of public radio's mission.

We look forward to continuing to work cooperatively with the Commission, our satellite provider, and other stakeholders to ensure ongoing satellite service that is affordable, available, and reliable so that public radio's important work can continue.

Please direct any questions you may have to the undersigned at 202.513.2050.

Sincerely,

*Gregory A. Lewis /s/*

Gregory A. Lewis  
Deputy General Counsel

cc: Nicholas Degani, Esq.  
Aaron Goldberger, Esq.